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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,219	10/01/2003	Sankar Ram Sundaresan	200208015-1	9689
22879 7590 05/18/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER GILLIS, BRIAN J	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,219	Applicant(s) SUNDARESAN ET AL.	
	Examiner Brian J. Gillis	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10012003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claimed "machine readable medium" in claim 25 lacks antecedent basis in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-8, 13-15, 21-24, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the business activity manager" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the performance activity manager" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the error activity manager" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the application" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the application" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the logging" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the business activity manager" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the performance activity manager" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the error activity manager" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the application" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the ability" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the ability" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the business activity manager" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the performance activity manager" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the error activity manager" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the transaction tracking logic" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "the ability" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-12, 14-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oulu et al (US PG PUB US2004/0068560) in view of Wilson et al (US Patent #6,714,976).

Claim 1 discloses a presentation architecture for creating applications, the presentation architecture comprising: a controller generator that is adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction in part, by responding to the request; and transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al

because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 2 discloses the system set forth in claim 1, wherein the plurality of transaction managers comprises a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 3 discloses the system set forth in claim 1, wherein the plurality of transaction managers comprises a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 4 discloses the system set forth in claim 1, wherein the plurality of transaction managers comprises an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claim 6 discloses the system set forth in claim 1, wherein the transaction tracking logic is adapted to provide the application with the ability to interface with a logging program to log data collected by the business activity manager, the performance activity manager and the error activity manager. Oulu et al further teaches the probe reports the measurements to a database to be logged (paragraph 38).

Claim 7 discloses the system set forth in claim 1, wherein the transaction tracking logic is adapted to provide the application with the ability to output data to at least one of a file system, a database, publishing a messaging queue and a Simple Network Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches the data is sent to a database (paragraph 38).

Claim 8 discloses the system set forth in claim 1, wherein the tracking information comprises timing measurements with respect to the transaction. Oulu et al further teaches timing measurements are taken (paragraphs 35 and 36).

Claim 9 discloses a method of creating applications, the method comprising: creating, with a processor-based device, a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and providing a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of providing a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 10 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 11 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 12 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claim 14 discloses the method set forth in claim 9, comprising providing the application with the ability to interface with a logging program to facilitate the logging of data collected by the business activity manager, the performance activity manager and the error activity manager. Oulu et al further teaches the probe reports the measurements to a database to be logged (paragraph 38).

Claim 15 discloses the method set forth in claim 9, comprising providing the application with the ability to output data to at least one of a file system, a database, publishing a messaging queue and a Simple Network Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches the data is sent to a database (paragraph 38).

Claim 16 discloses the method set forth in claim 9, comprising defining the tracking information to comprise timing measurements with respect to the transaction. Oulu et al further teaches timing measurements are taken (paragraphs 35 and 36).

Claim 17 discloses a system for creating applications, the system comprising: means for providing an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and means for

providing the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of providing the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 18 discloses the system set forth in claim 17, wherein the plurality of transaction managers comprises a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 19 discloses the system set forth in claim 17, wherein the plurality of transaction managers comprises a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 20 discloses the system set forth in claim 17, wherein the plurality of transaction managers comprises an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claim 22 discloses the system set forth in claim 17, wherein the means for providing the application with a plurality of transaction managers is adapted to provide the application with the ability to interface with a logging program to log data collected by the business activity manager, the performance activity manager and the error activity manager. Oulu et al further teaches the probe reports the measurements to a database to be logged (paragraph 38).

Claim 23 discloses the system set forth in claim 17, wherein the transaction tracking logic is adapted to provide the application with the ability to output data to at least one of a file system, a database, publishing a messaging queue and a Simple Network Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches the data is sent to a database (paragraph 38).

Claim 24 discloses the system set forth in claim 15, wherein the tracking information comprises timing measurements with respect to the transaction. Oulu et al further teaches timing measurements are taken (paragraphs 35 and 36).

Claim 25 discloses a program, comprising: a machine readable medium; a controller generator stored on the machine readable medium, the controller generator being adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and transaction tracking logic stored on the machine readable medium, the transaction tracking logic being adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches using computer-readable

medium (paragraph 22), an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 26 discloses the program set forth in claim 25, wherein the plurality of transaction managers comprises a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 27 discloses the program set forth in claim 25, wherein the plurality of transaction managers comprises a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 28 discloses the program set forth in claim 25, wherein the plurality of transaction managers comprises an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claims 5, 13, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oulu et al (US PG PUB US2004/0068560) in view of Wilson et al (US Patent #6,714,976) as applied to claims 1, 9, 17, and 25 above, and further in view of Tugenberg et al (US Patent #7,103,782).

Claim 5 discloses the system set forth in claim 1, wherein the transaction tracking logic is adapted to provide the application with the ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 1 as recited above. It fails to teach of the transaction tracking logic is adapted to provide the application with the ability to track debug activity. Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 13 discloses the method set forth in claim 9, comprising providing the application with the ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 9 as recited above. It fails to teach of providing the application with the ability to track debug activity. Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 21 discloses the system set forth in claim 17, wherein the means for providing the application with a plurality of transaction managers is adapted to provide the application with the ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 17 as recited above. It fails to teach of providing the application with the ability to track debug activity. Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 29 discloses the program set forth in claim 25, wherein the transaction tracking logic is adapted to provide the application with the ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 25 as recited above. It fails to teach of providing the application with the ability to track debug activity.

Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brabson et al (US PG PUB US2002/0046284) teaches of providing transactional quality of service. von Klopp Lemon (US PG PUB US2002/0103896) teaches of a http transaction monitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141

BJG


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER